

Amendment and Response
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REMARKS

Claims 4, 7, 8, 11, 12, 14-36 were presented for examination. The Office Action dated February 23, 2004 rejects claims 11, 12, 14, 15, 18-21, 24-31 and 34-36, and considers claims 22-23 to be allowable if rewritten in independent form. A response to a restriction requirement dated November 7, 2003 withdrew claims 4, 7-8, 16-17, and 32-33 from examination. This Amendment and Response amends claims 22, 25, 27-29, 31, 34 and 36 and cancels claims 35. Claims 11, 12, 14, 15, 18-21, 24-31, 34, and 36 are now pending in the application.

Rejection of Claims 18-21 and 24-31 under 35 U.S.C. § 103

The Office Action rejects claims 18-21 and 24-31 under 35 U.S.C. 103(a) as being unpatentable over Steven Chapman (U.K. Patent Application No. GB 2286745A) in view of Gorshe (U.S. Patent No. 6,667,973).

The Applicants' invention features a new class of data transport service referred to in the Applicants' specification as a squeezable pipe. A pipe is a logical connection between data terminals (page 9, lines 6-9). During normal operation, traffic traversing the pipe is allocated certain bandwidth. A pipe is squeezable in that during a protection switch the bandwidth allocated to the traffic is reduced from that allocated during normal operation. The Applicants' invention has the advantage of making better use of available bandwidth, because less bandwidth is needed to protect traffic (page 7, lines 20-21).

Chapman teaches protection switching in which one protection channel protects a plurality of working channels. When one working channel faults, the traffic on the failing working channel is switched to the protection channel. Unlike the Applicants' claimed invention, however, Chapman does not teach or suggest reducing the bandwidth allocated to the traffic *when the traffic is switched to the protection channel*. Rather, the implied principle of Chapman is that the traffic enjoys the same amount of bandwidth during the protection switch as it did during normal operation. That Chapman does not teach or suggest reducing the traffic during the protection switch is attested to by the Office Action, which correctly

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acknowledges that Chapman does not disclose an adaptive rate interface for changing the rate of traffic from a fast rate to a slow rate. The absence of such an interface shows that Chapman simply does not consider the possibility of reducing the allocated bandwidth during the protection switch, as set forth in the Applicants' claimed invention. Therefore, Chapman not only fails to disclose the Applicants' invention, but also does not even suggest it.

To supply what is missing from Chapman, the Examiner relies on Gorshe, because Gorshe discloses a SONET network interface that can support both small and large bandwidth applications. Arguably, a shelf employing Gorshe's network interface can change the rate of communication from a fast rate to a slow rate, depending upon the particular traffic currently being handled. However, the Applicants' invention is more than simply reducing the rate of transmission. Rather, the Applicants' claimed invention recites reducing the allocated bandwidth during the protection switch, as set forth in the Applicants' representative independent claim 18. And like Chapman, Gorshe does not disclose or suggest reducing the allocated bandwidth during a protection switch. Although a hypothetical combination of Chapman's protection switching and Gorshe's network interface might produce a system capable of performing protection switching for a wide range of fast and slow services, no such combination would reduce the bandwidth allocated to the traffic during the protection switch. Because Chapman and Gorshe, either taken alone or in combination, do not teach or suggest the Applicants' claimed invention, Applicants respectfully request that the rejection be withdrawn.

Independent claim 25 has been amended to recite language similar to independent claim 18. More specifically, the phrase "squeezed state of operation" has been amended to read "protection operation." Applicants respectfully submit that claim 25 is thus patentably distinguishable over the cited references for at least those reasons provided in connection with claim 18.

Claims 19, 20, and 26-31 depend directly or indirectly from patentable independent claims 18 and 25, and incorporate all of their limitations, and therefore are also patentably

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distinguishable over the cited references for at least those reasons provided in connection with claims 18 and 25. Therefore, the Applicants respectfully submit that the rejection against these claims is also overcome.

Rejection of Claims 11, 12, 14, 15 and 34-36 under 35 U.S.C. § 103

The Office Action rejects claims 11, 12, 14, 15 and 34-36 under 35 U.S.C. 103(a) as being unpatentable over Steven Chapman in view of Sawey (U.S. Patent No. 6,195,330).

Independent claim 34 has been amended to recite language similar to independent claim 18; namely, that the transmission rate is slower for switched traffic than during normal operation. Applicants respectfully submit that claim 34, as now amended, is patentably distinguishable from the cited references because Sawey, like Chapman, does not disclose or suggest reducing the transmission rate for switched traffic during a switching operation, as now set forth in the Applicants' claimed invention. Thus, Chapman and Sawey, taken alone or in combination, fail to disclose or suggest every claimed limitation of the Applicants' invention, and therefore the Applicants respectfully submit that the rejection is overcome.

Claims 11, 12, 14, 15, and 36 depend directly or indirectly from patentable independent claim 34, and incorporate all of its limitations, and therefore are also patentably distinguishable over the cited references for at least those reasons provided in connection with claim 34. Therefore, the Applicants respectfully submit that the rejection against these claims is also overcome.

CONCLUSION

In view of the amendments and arguments made herein, Applicants submit that the application is in condition for allowance and requests early favorable action by the Examiner.

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If the Examiner believes that a telephone conversation with the Applicants' representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

Applicants hereby petition for a one-month extension of time to extend the period for response up to and including June 23, 2004. The undersigned hereby authorizes the one-month extension fee of \$110.00, and additional fees, if any, to be charged to Deposit Account No. 502295.

Respectfully submitted,

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